

### **REMARKS**

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of July 2, 2004. Claims 1 and 6 have been amended. Claims 1-7 remain pending in this application. Reconsideration of the Application is requested.

The Examiner objected to two aspects of the specification. First, the abstract was objected to because it used the term "what is disclosed." This phrase has been removed from the abstract. Second, the disclosure was objected to because the information regarding co-pending applications was incomplete. The disclosure has been updated to reflect the current state of the co-pending applications. Applicants request withdrawal of the objections to the specifications.

Claims 1-3, 5, and 7 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claims 1-6 of US Patent No. 6,696,970 to Litwiller et al. Applicants traverse the rejections.

Applicants submit that the claims of the instant application are patentably distinct from the claims of the '970 patent. The '970 apparatus operates by detecting the presence of pressure whereas the instant apparatus operates by detecting a closed electrical circuit. Because of this difference in the operating principle, the apparatuses have very different structures. In the '970 apparatus, the base component comprises an array of retractable pins with tensioning means and a pressure sensor beneath each pin. In contrast, the base component of the instant apparatus comprises an array of solid conductive pins. In the '970 apparatus, the identifier operates by putting a capping means over the hole corresponding to the pin desired to be detected. The identifier, therefore, requires no electronic circuitry and can be made out of one solid inert material. However, the identifier of the instant apparatus does not cap any of its holes. In order to work, it *must* contain electrical wiring connecting the keyed center post to the hole corresponding to the pin desired to be detected so that an electrical circuit can be completed. Finally, the '970 apparatus returns two pieces of information: (1) the array location of the detected pin and (2) the range of pressure detected. The instant apparatus returns only the array location of the detected pin. This difference means that a primary device using the instant apparatus can determine the identifier(s) placed on the pins with less information than a primary device using the '970 apparatus. Because of these differences in operating principle, structure, and information returned,

Applicants submit that the claims of the instant application are patentably distinct from the claims of US Patent No. 6,696,970. Applicants request withdrawal of the rejections to claims 1-3, 5, and 7.

Claims 4 and 6 were rejected under the judicially created doctrine of obviousness-type double patenting as unpatentable over claim 1 of US Patent No. 6,696,970 in view of US Patent No. 4,908,597 to Sutton et al. Applicants traverse the rejections.

Applicants submit that it would not be obvious for the identifier to comprise electronic circuitry so as to enable the communication of additional information. The '970 apparatus functions by capping the hole corresponding to the pin desired to be detected. Because it is the absence of the hole that conveys information, electronic circuitry would convey no additional information and is not required in the identifier of the '970 apparatus. It would not be obvious to include electronic circuitry without a purpose for it. In this respect, the '970 patent actually teaches away from adding electronic circuitry to the identifier.

In addition, Applicants submit that the identifier of the '970 apparatus is not a connector with the base component in the same way as the identifier of the instant apparatus. In the instant apparatus, each pin must operate in conjunction with the keyed center post to complete an electrical circuit and signal an array location. The identifier of the instant apparatus connects two parts of the base component together: the keyed center post and the pin that signals the array location. In contrast, each pressure sensor of the '970 apparatus operates independently to signal an array location. The '970 identifier does not connect two parts of the base component together. Because of this difference, one skilled in the art would not recognize the identifier as a connector with the base component and would not think to apply the teaching of Sutton to the '970 identifier by adding electronic circuitry.

For the two reasons listed, it would not be obvious for the identifier of the '970 apparatus to comprise electronic circuitry. Therefore, claims 4 and 6 are patentably distinct from claim 1 of US Patent No. 6,696,970. Applicants request withdrawal of the rejections to claims 4 and 6.

Applicants note that claim 6 was amended for the sole purpose of correcting grammar. The amendment should not be construed as limiting the scope or breadth of the claim.

**CONCLUSION**

For the reasons detailed above, it is submitted all claims remaining in the application (Claims 1-7) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment A. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Patrick R. Roche, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,  
MINNICH & McKEE, LLP

8/30/04  
Date

Patrick R. Roche  
Patrick R. Roche  
Reg. No. 29,580  
1100 Superior Avenue, 7<sup>th</sup> Floor  
Cleveland, Ohio 44114-2579  
(216) 861-5582